

Hadley, Massachusetts
The Aquifer Protection District
Contact: Town Clerk
(413) 584-1590
Zoning ordinance
Adopted: 1985

SECTION xii THE AQUIFER PROTECTION DISTRICT (Adopted March 1985)

1. Purpose of District

To promote the health, safety and welfare of the community by protecting and preserving the surface and groundwater resources of the town from any use of land or buildings which may reduce the quality and quantity of its water resources.

2. Definitions

- a. Aquifer: Geologic formations composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water;
- b. Groundwater: All the water found beneath the surface of the ground;
- c. Hazardous Waste: A waste which is hazardous to human health or the environment. Hazardous wastes have been designated by the U.S. Environmental Protection Agency under 40 CFR 250 and the Regulations of the Massachusetts Hazardous Waste Management Act, Massachusetts General Laws Chapter 21C.
- d. Impervious Surfaces: Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil;
- e. Leachable Wastes: Waste materials including solid wastes, sludge and pesticide and fertilizer wastes capable of releasing water-borne contaminants to the environment;
- f. Primary Aquifer Recharge Area: Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward the area of influence of water supply wells.

3. Scope of Authority

The Water Supply Protection District is an overlay district and shall be superimposed on the other districts established by the bylaw. All uses, dimensional requirements and other provisions of the Town of Hadley Zoning Bylaw applicable to such underlying districts shall remain in force and effect, except that where the Water Supply Protection District imposes greater or additional restrictions and requirements, such restrictions or requirements shall prevail. Any uses not permitted in underlying districts shall remain prohibited.

4. Establishment of District

The Aquifer Protection District is herein established to include all specified lands within the Town of Hadley. The intent of the Aquifer Protection District is to include lands lying within the primary recharge areas of groundwater aquifers. The map entitled "Aquifer Protection District, Town of Hadley" on file with the Town Clerk, delineates the boundaries of the district.

Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should be properly located. At the request of the owner(s), the Town may engage a professional hydrogeologist to determine more accurately the location and extent of an aquifer, primary recharge area or watershed area, and may charge the owner(s) for all or part of the cost of the investigation.

5. Prohibited Uses

- a. Business and industrial uses, not agricultural, which manufacture, process, store or dispose of hazardous wastes in amounts exceeding the minimum threshold amount requiring compliance with Massachusetts Department of Environmental Quality Engineering hazardous waste regulations 310 CMR 30;
- b. Trucking or bus terminals, motor vehicle gasoline sales, motor vehicle service and repair shops, car washes;
- c. Wood preserving and furniture stripping;
- d. Solid waste landfills, dumps, junk and salvage yards, with the exception of the disposal of brush and stumps;
- e. Business and industrial uses, not agricultural, which involve the on-site disposal of process wastes from operations;
- f. Disposal of liquid or leachable wastes, except for:
 - (1) the installation or enlargement of a subsurface waste disposal system for a residential dwelling, and;
 - (2) normal agricultural operations, and;
 - (3) Business or industrial uses which involve the on-site disposal of wastes from personal hygiene and food preparation for residents, patrons and employees.
- g. Underground storage and/or transmission of oil, gasoline or other petroleum products excluding liquified petroleum gases;
- h. Outdoor storage of salt, de-icing materials, pesticides or herbicides;
- i. The use of septic system cleaners which contain toxic chemicals;

6. Restricted Uses

- a. Excavation for removal of earth, sand, gravel, and other soils shall not extend closer than five (5) feet above the annual high groundwater table. This section shall not apply to uses incidental to permitted uses, including but not limited to providing for the installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal.
 - (1) Access road(s) to extractive operation sites shall include a gate or other secure mechanism to restrict public access to the site.
- b. The use of sodium chloride for ice control shall be minimized, consistent with public highway safety requirements.
- c. Commercial fertilizers, pesticides, herbicides, or other leachable materials shall not be used in amounts which result in groundwater contamination.

7. Drainage

- a. All runoff from impervious surfaces shall be recharged on the site by being diverted

toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible, and shall be preceded by oil, grease and sediment traps to facilitate removal of contamination.

8. Uses by Special Permit

Uses which may be permitted by the Board of Appeals in accordance with the regulations appearing in Section VII.B.2. of this bylaw.

a. Business and industrial activities permitted in the underlying district (either by matter of right or by special permit) shall file application for a special permit.

(1) Procedure: In addition to meeting the requirements of Section VII.B. 1 of this bylaw, the applicant must file six (6) copies of a site plan, as outlined below.

(a) Said application and plan shall be prepared in accordance with the data requirements of the proposed development, including but not limited to:

- A site plan, which shall show, but not be limited to:
- drainage recharge features and provisions to prevent loss of recharge;
- provisions to control soil erosion and sedimentation;
- provisions to prevent soil compaction;
- provisions to prevent seepage from sewer pipes;
- provisions to prevent contamination of groundwater by petroleum products or hazardous chemicals.
- A complete list of chemicals, pesticides, fuels and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. Those businesses using or storing such hazardous materials shall file a definitive operating plan which shall show, but not limit to:
- provisions for protection of hazardous materials from vandalism;
- provisions for the prevention of corrosion and leakage of containers storing hazardous materials;
- provisions for the indoor storage of all hazardous materials;
- provisions to impervious floor surfaces with no interior drain;
- provisions to prevent hazardous materials spillage to the outside; provisions for storage of accumulated waste;
- provisions for the immediate containment and clean-up of any hazardous spills.

(b) The Zoning Board of Appeals (ZBA) shall refer copies of the application to the Board of Health, Planning Board, Conservation Commission, and the Town Engineer, which shall review the application either separately or jointly and shall submit their recommendation and comments to the ZBA. Failure of boards/departments to make recommendations within 35 days of the referral of the application shall be deemed to be lack of opposition.

9. Nonconforming Uses

Nonconforming uses which were lawfully existing, begun or in receipt of a building or special permit prior to (the first publication of notice of public hearing for this bylaw) may be continued. Such nonconforming uses may be extended or altered, as specified in Massachusetts General Laws, Ch. 40a, Sec. 6, provided that there is a finding by the Board of Appeals that such change does not increase the danger of groundwater pollution from such use. Applicants shall follow procedures specified in Section 9 of this bylaw.

SECTION XIII FLOOD DISTRICT OVERLAY (Adopted May 1987)

Section A. Establishment of Districts and Flood Hazard Areas

The Flood District Overlay is herein established as an overlay district and includes all special flood hazard areas designated as Zone A, AI-30 on the Hadley Flood Insurance Rate Maps, (FIRM), and the Flood Boundary and Floodway Maps, dated June 1, 1978, on file with the Town Clerk, Planning Board and Building Inspector. These maps as well as the accompanying Hadley Flood Insurance Study are incorporated herein by reference.

The boundaries of the Flood District Overlay shall be determined by scaling distances on the Flood Insurance Rate Map. When interpretation is needed as to the exact location of the boundaries of a District, the Building Inspector shall make the necessary interpretation.

Section B. Development Regulations

1) Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall produce any already existing, reasonable, base flood elevation data and it shall be used to meet the requirements of the National Flood Insurance Program.

2) In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:

a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the 100-year flood.

b) In the floodway, prohibit the placement of mobile homes,

Section C. Board of Appeals

The Board of Appeals may consider a special permit to the regulations set forth in the Flood Plan Overlay District of the Zoning By-Law. A special permit may be granted for the new construction or expansion of a business that due to its nature must be located adjacent to a river. This in no way implies that other pertaining bylaw requirements such as lot acreage, frontage and zoning regions need not be met. Construction under this special permit must comply with all provisions of these Flood District Overlay By-Laws.

SECTION XIV RESERVED

SECTION XV. RATE OF DEVELOPMENT (Adopted October 1988)

15.0.1. Building permits for the construction of dwellings on lots held in common ownership on the effective date of this provision shall not be granted at a rate per annum greater than as permitted by the following schedule commencing in the year such lots are subdivided or in the year this provision becomes effective, whichever is later.

15.1.1. For such lots containing a total area of land sufficient to provide more than ten dwellings at the maximum density permitted for the District in which such lots are located: one tenth (1/10) of the number of dwellings permitted to be constructed or placed on said total area of land based on said maximum permitted density.

15.2.1. For such lots containing a total area of land insufficient to provide ten or more dwellings at the maximum density permitted under these By-Laws for the District in which such lots are located; one dwelling.

15.3.1. Any lots in a subdivision covered by this provision hereafter sold or otherwise transferred to another owner shall include in the deed the earliest date on which construction may be commenced in accordance with these provisions.

15.4.0. The Rate of Development of a subdivision is established as a part of the evaluation of a Definitive Plan and shall be calculated as follows: